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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,903

Applicant(s)

MEYER ET AL

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 6, 2004 has been entered.

Response to Amendment

2. Amendment received on August 6, 2004, is acknowledged and entered. Claims 1, 11, 24, 28, 30 and 31 have been amended. New claims 32-41 have been added. Currently claims 1-41 are pending for examination.

Response to Arguments

3. The applicant's arguments filed on August 6, 2004, see Remarks pages 9-16, concerning claims 1-41 have been considered but are moot in view of the new ground(s) of rejection necessitated due to amendments and new claims.

4. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially

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teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.1. Claims 1-9 and 32-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitamura et al. (US Patent 5,762,265), hereinafter, referred to as Kitamura.

Regarding claim 1, Kitamura discloses In a management system, an apparatus (see at least abstract, "...*Complaint rate calculation means for calculating complaint rates in consideration of thermal feeling entered from vote value input means....*", and col.1, lines 24-27, " *In order to meet the preferences of individual inhabitants, an apparatus has been proposed, which renews and modifies the PMV equation in accordance with the vote of each inhabitant.* ". Note: vote value input means corresponds to an apparatus by which an occupant of building submits a complaint about an environmental condition in the form of vote) by which an occupant of a building submits a complaint, said apparatus comprising:

a communication network which is accessible by the occupants to transmit complaint messages, wherein the complaint messages are configured to include information regarding an environmental condition of the building (see at least Fig.12, reference # " 102 Communication means" and col.20, line34-col.21, line 3. The vote values in Kitamura corresponds to complaint messages, see col.8, lines 13-48);

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a message processing system coupled to the communication network to receive the complaint messages, the message processing system containing a predefined message filtering Criterion which is applied to received complaint messages and generating a warning when the received complaint messages satisfy the predefined message filtering criterion (see at least Figs.11-12, reference # " 103 Air-conditioning control computer" and col.20, line34-col.21, line 3. The vote values in Kitamura, which correspond to complaint messages are subjected to a filtering criteria, "*steps of hot (+3) and warm (+2) are judged to indicate that the voters complain about the heat, and the votes corresponding to steps of cold (-3) and cool (-2) are judged to indicate that the voters complain about the cold*", see col.8, lines 13-48. As regards generating warning see Figs. 15a and 15 b, reference numbers "*S 11-Set flag indicating cold-caused complaint*" and "*S24 - Set flag indicating warmth-caused complaint*".); and

A display device coupled to the message processing system and presenting to the management of the building (see at least Fig.15 b, "*6- Display content of complaint on air-conditioning control manager's monitor*" and col.21, lines 49-67).

Regarding claims 2 and 3, Kitamura as applied to claim 1 discloses an apparatus by which an occupant of a building submits a complaint message. Kitamura further discloses: Wherein the predefined message-filtering criterion specifies a given number of complaint messages which must be received in order for a warning to be generated (see at least col.13, lines 1-15, "*To find out a value of $add(l)$ closest to Pad , search is repeated in step 405 until a counter counts from $l=0$ to $l=40$. In case a value of $aPDd(l)$ closest to PDd is not found out, it is assumed that PDd has been set at the minimum complaint rate or lower. Therefore, in step 414, ET^*d is replaced with ET^*0 , a thermal condition for obtaining the minimum complaint rate. In step 407, the counter counts until $ax(l)$ becomes not less than a complaint rate for obtaining the lowest complaint rate. In step 409, to find out $aPDd(l)$ closest to PDd , search is performed for PDd values in the range of $aPDd(l)$ to $aPDd(l+1)$. "*),

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wherein the predefined message-filtering criterion specifies a given number of complaint messages which must be received within a defined interval of time in order for a warning to be generated (see at least Figs. 15 a and 15b, ""\$ 18-Vote received within 90 minutes ago" and "S31 – Vote received within 90 minutes ago".);

Regarding claims 4, 5, 6, and 7, Kitamura as applied to claim 1 discloses an apparatus by which an occupant of a building submits a complaint message. Kitamura further discloses:

wherein the predefined message-filtering criterion specifies an occupant characteristic, and the warning is generated upon receipt of a complaint message from occupants possessing that characteristic (see at least col.8, lines 14-48 wherein if the occupants vote +3 or +2, etc the votes/complaints made represent the characteristic of the occupant) ,wherein the predefined message-filtering criterion specifies a class of occupants, and the warning is generated upon receipt of a complaint message from an occupant in that class (see at least col.9, line 34-col.11, line 67 and Table 1, col.11 disclose inputting and considering the type of clothing and activity which represent a class of occupants in Sales work or Office work or Relaxing group of occupants) , wherein the predefined message-filtering criterion specifies a given area of the building and the warning is generated upon receipt of a complaint message from that area (see at least col.9, line 34-col.11, line 67 and Table 1, col.11, wherein space numeral "7" corresponds to a given area in the building being considered), and wherein the message processing system inhibits generation of a warning when a plurality of complaint messages are received from the same occupant within a predefined interval of time (see at least col.22, lines 16-38) .

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Regarding claims 8 and 9, Kitamura as applied to claim 1 discloses an apparatus by which an occupant of a building submits a complaint message. Kitamura further teaches:

that the message processing system further comprising a storage device which retains information related to the received complaint messages (see at least Fig.15 (a), " S5-Store vote value in temporary memory" .)

the display device also presents the information related to the received complaint messages that has been stored in the storage device (see at least Fig.15 b, " 6- Display content of complaint on air-conditioning control manager's monitor" and col.21, lines 49-67)..

Regarding claims 32-37, their limitations are closely parallel to the limitations already covered in apparatus claims 1-7 and are therefore analyzed and rejected on the same basis.

Claim Rejections - 35 USC § 103

6 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.1 Claims 10, 28-29 and 38-41 are rejected under 35 U.S.C. 103(a) as being obvious over Kitamura and further in view of Official Notice.

Regarding claims 10 and 28-29, Kitamura as applied to claim 1 discloses an apparatus by which an occupant of a building submits a complaint message. Kitamura further teaches using an electronic mail to communicate complaint messages [vote values] with the Air-conditioning control computer and the same are received by a mail box (see at least col.21, lines 10-30). Kitamura does not disclose comprising a server which forms an Intranet site on the communication network to obtain information related to the complaint messages regarding environmental condition from the facility management system and to store those complaints in storage device. However, the examiner takes Official Notice of both the concept and benefits of comprising a server on the communication network to receive information and including a storage device to store received information. The use of client server architecture is notoriously well-known at the time of the applicant's invention because it helps the users/occupants to access web pages/resources from the world wide web to obtain information, which could relate to the environmental conditions of the building, news, articles, information needed for their work, receive and storing e-mails and sending e-mails, etc. In view of the Official Notice, it would have been obvious to one of an ordinary skill in the art at the time for the invention to have modified Kitamura to incorporate the feature of client-server architecture because that would further help the occupants and management of the building to access world wide web to receive a variety of

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information and services, such as news, information related to their work, personal use, functions of an e-mail server, etc.

Regarding claims 38-41, their limitations are closely parallel to the limitations already covered in apparatus claims 10, 28-29 and are therefore analyzed and rejected on the same basis. As regards claim 41 for measured environmental condition see at least Kitamura (col.13, lines 39-65, which discloses that calculating means 20 detects the thermal conditions, such as measuring the air temperature, humidity, etc.).

6.2. Claims 11-27 are rejected under 35 U.S.C. 102(e) as being unpatentable over Narasimhan and further in view of Kitamura.

Regarding claim 11, Narasimhan discloses in a facility management system for a building that has a communication network which is accessible by occupants of the building, an apparatus by which the occupants submit complaints regarding an operating condition of the building (see at least col1, lines 39-55, "....a message processing and forwarding system that receives messages over a computer communication network.....". The computer communication network is accessible by occupants of a building, see FIG 1., where elements 115, 116, 118, are the various sources forwarding messages and they represent occupants in a building. The messages being sent are in digital format and they can include any type of message irrespective of the fact that they are complaints, congratulation messages or mere notifications), said apparatus comprising:

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a storage device containing a log for complaints received from the occupants (see at least col.3, lines 10-20, "...FIG.1, messages from the first message source 115, ...are received by a mail server 104 that provides e-mail receipt, storage and transmission services.....". Note: Mail server 104 corresponds to the storage device which retains the information related to the received complaint messages.) ;

a server connected to the communication network and to the storage device, wherein upon being contacted by an occupant the server replies by submitting a complaint regarding an operating condition of the building, the web site also receives complaint messages from such an occupant via the communication network (see at least col1, lines 39-55, "....a message processing and forwarding system that receives messages over a computer communication network... the invention includes a source message server configured to process a received computer-readable message.". Note: the source message server represented by element 103, in the FIG.1 is connected to the communication network 111 and mail server 104 is the storage device. The computer communication network is accessible by occupants of a building, see FIG 1., where elements 115, 116, 118, are the various sources forwarding messages and they represent occupants in a building. The messages being sent are in digital format such as HTTP message formats and web browser interface [see col.5, lines 36-49 and col.6, lines 37-51] and they can include any type of message irrespective of the fact that they are complaints, congratulation messages or mere notifications.);

a complaint agent connected to the web site to receive complaint messages therefrom and connected to the storage device, the complaint agent storing received complaint messages into the log in the storage device (see at least col.3, lines 10-20, "...FIG.1, messages from the first message source 115, ...are received by a mail server 104 that provides e-mail receipt, storage and transmission services.....". Note: Mail server 104 corresponds to the complaint

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agent connected to the web site, i.e. source server 103 which retains the information related to the received complaint messages from the message source 115.); and

a workstation coupled to the storage device to obtain and present information from the log to building management personnel (see at least col.3, line 61-col.4, line 11, and col.4, lines 58-63. Narasimhan discloses source server 103 also as the workstation which is connected to a mail server 104 the storing device and then source server determines and selects messages using a filtering criteria to display messages to the ultimate receiver, which corresponds to the building management personnel.).

Narasimhan does not disclose that the complaint messages are configured to include information regarding an operating condition of the building. However, Kitamura in the same filed of endeavor teaches that the complaint messages are configured to include information regarding an operating condition of the building (see at least col.21, lines 10-col.24, line 67 where the vote corresponds to complaint message). In view of Kitamura, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modified Narasimhan to incorporate the feature that the complaint messages are configured to include information regarding an operating condition of the building because it will help the occupants of a building/residence to transmit complaints against the performance of air-conditioning units so as to control the air-conditioning unit as per the preferences of the inhabitants of the buildings, as explicitly disclosed in Kitamura.

Regarding claim 12, Narasimhan in view of Kitamura as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages. Narasimhan further discloses a complaint analyst which processes data received from the complaint agent and the storage device and formulates displays of that data for presentation to the building

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management personnel (see at least col.3, line 61-col.5, line -67. Narasimhan discloses that source server 103 also comprises of a complaint analyst which receives the messages from mail server 104, the complaint agent, and using filtering criteria selects and formulates to display messages to the ultimate receiver, which corresponds to the building management personnel.).

Regarding claim 13, Narasimhan in view of Kitamura as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages. Narasimhan further discloses that the complaint messages also contain information that for each occupant identifies an area of the building and the web site associates each complaint message received with the area of the building identified for the occupant who sent the complaint message see at least col.5, lines 3-17, ".Message filtering is obtained through a rule based scheme where specific data fields along with their values are indicated as their filtering criteria... such data fields include Sender, Recipient, Subject and file attachment of the e-mail message:.....the filtering criteria may be programmed to select all e-mail messages sent by a particular individual, or all messages on a particular subject, or all messages with the word "urgent", or any combination of such criteria". Note: Narasimhan's use of a rule based scheme to filter messages based upon their source, type, and any combination of such attributes would cover the claimed limitation as to know from which area the message has come).

Regarding claim 14, Narasimhan in view of Kitamura as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages. Narasimhan further discloses that the complaint agent logs environmental conditions with the complaint (In claim 11 it was analyzed that complaint agent logs the information received in the complaint

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messages. If the occupant is sending information on environmental conditions in his message then the complaint agent as part of the complaint message would also inherently store all data about environmental conditions. It does not matter what data is being transmitted all of that data is being stored by the mail server 104, which corresponds to the complaint agent).

Regarding claims 15 and 16, Narasimhan in view of Kitamura as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages. Narasimhan further discloses:

that the web site customizes the web page according to the area of the building identified for an occupant who contacted the web site.

That the web site customizes the web page with specific operating conditions defined for the area of the building identified for the occupant who contacted the web site.

(For above both claims see at least col.6, lines 40-51, "...In another embodiment...the account information including the filter-criteria as well as rules ...may be defined by the human user of the account through a World Wide Web [web] browser –based interface to the source message server 103...These allow the user to fully customize message handling for his or her account...". Note: Narasimhan disclosure of being fully able to customize the message handling ability using www and a web browser covers the limitations of claims 15 and 16.).

Regarding claims 17 –23, Narasimhan in view of Kitamura as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages configured to include information related to the environmental conditions of the building. Further the limitations recited in dependent claims 17 -19 and 22-23 are already covered by the

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limitations recited in claims 1-7 and are therefore analyzed and rejected as unpatentable over Narasimhan in view of Kitamura on the same basis.

Regarding claim 24, all the limitations are covered in claims 11, and 17 above and are therefore analyzed and rejected as unpatentable over Narasimhan in view of Kitamura on the same basis.

Regarding claim 25, all the limitations are covered in claim 24 above and is therefore analyzed and rejected as unpatentable over Narasimhan in view of Kitamura on the same basis.

Regarding claim 26, all the limitations are covered in claim 19 above and is therefore analyzed and rejected as unpatentable over Narasimhan in view of Kitamura on the same basis.

Regarding claim 27, all the limitations are covered in claim 14 and is therefore analyzed and rejected as unpatentable over Narasimhan in view of Kitamura on the same basis.

6.3. Claims 30-31 are rejected under 35 U.S.C. 102(e) as being obvious over Narasimhan in view of Kitamura and further in view of Official Notice.

Regarding claims 30 and 31, Narasimhan in view of Kitamura as applied to claims 14 and 27 teach an apparatus by which the occupants submit complaint messages including information related to building via a network and a complaint agent logs environmental conditions with the complaint as applied. The limitations recited in claims 30 and 31 are already covered while analyzing claim 28 above and therefore claims 30 and 31 are analyzed and

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rejected over Narasimhan in view of Kitamura and further in view of Official Notice on the same basis..

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
September 27, 2004